

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

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Public Hearing Minutes Special Town Meeting Articles November 21, 2011

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA. 01462

Time: 6:30 PM

Members Present: Emerick R. Bakaysa, Chair, Joanna L. Bilotta-Simeone, Vice Chair, Robert J. Saiia, Thomas W. Bodkin, Jr., Nathan J. Lockwood, Marion M. Benson, Planning Director

Chair opened the Public Hearing at 6:30 PM with the reading of the legal notice published in the Sentinel & Enterprise on November 7 and November 14, 2011.

The Public Hearing was to hear and discuss an amendment to the Zoning Bylaw by deleting current Section 4.6.5. Limitations Upon Use and replace with a new Section 4.6.5. Design Standards, adding a Summer Street Revitalization Overlay District, and amend Section 3.0. Establishment of Districts, 3.1. Types of Districts, from 10 to 11. Notice of said hearing was duly posted in the usual posting places. Notices were sent to abutting Towns, Cities, agencies and Town departments.

Mr. Bakaysa noted that the Design Standards Bylaw being presented at Special Town meeting (STM) was previously presented at May 2011 Annual Town Meeting, but did not pass. Both the Building Official and the Zoning Board of Appeals had issues with this Bylaw as it was originally presented at May 2011 Town Meeting, and it has since been revised. This Bylaw pertains to Commercial Zoning and is to bring development to the Town commensurate in character and architecture to that already in place. Article read into record by Mr. Bakaysa.

Article _____ To see if the Town will vote to amend the Zoning Bylaw by deleting current Section 4.6.5. *Limitations Upon Use* and replace with a new Section 4.6.5. *Design Standards*, as follows:

4.6.5. DESIGN STANDARDS

4.6.5.1. PURPOSES: The purposes of this Section are:

- a) To assure development which is compatible with prevailing architecture and character of the Town.
- b) To protect the environment.
- c) To enhance rather than detract from the quality and character of the Town.
- d) To preserve and enhance property values.

4.6.5.2. STANDARDS: In addition to requirements contained elsewhere in this Bylaw the following design elements shall pertain in the Commercial District, permitted by the Zoning Board of Appeals (ZBA) and where applicable shall be reviewed by the Planning Board in connection with the Development Plan Review under Section 8.4.

a) Occupied Lot Area.

- 1. The gross floor area of all buildings and structures on a lot shall occupy not more than forty (40%) percent of total lot area.
- 1. The total area on any lot devoted to building, parking, outdoor storage and display and other paved hard surface areas may occupy up to eighty-five (85%) percent of the total lot area.

- b) Building Location and Utilities.
 - 1. The Building front shall face the street on which the lot obtains its frontage.
 - 2. If there is more than one building on the site, the siting shall be reviewed through the Development Plan Review (DPR) pursuant to the procedures outlined in Section 8.4.
 - 3. All utilities shall be placed underground.
- c) Building façades, materials and roof lines shall be reviewed under the Development Plan Review *(DPR) regarding consistency and compatibility with other structures within the District.
- d) Flat roofs that are visible from the street level are allowed with a façade approved under the Development Plan Review and permitted by the Special Permitting Authority.
- e) Façade, roof colors and signs shall be reviewed for consistency under the Development Plan Review (DPR).
- f) The principal building(s) shall be connected to public water and sewer where readily available and accessible.
- g) Lighting, signage and architectural style shall be consistent with other uses in the District and reviewed under the Development Plan Review (DPR).
- h) LEED (Leadership in Energy and Environmental Design).
 - 1. LEED Certification should be encouraged to meet the best practicable level.
- i) Interior Streets, Drives, Walkways and Access.
 - 1. Site access shall be a divided way (one way in and one way out) where and when appropriate determined under Development Plan Review.
 - 2. Surfaces shall be pervious when possible and practical, excluding the required parking areas.
- j) Parking and Loading Area.
 - 1. Parking shall be in the rear or side of building(s) when possible. Parking will be reviewed under the Development Plan Review.
 - 2. All loading docks shall be to the rear of the building(s) and shall not be visible from the street.
 - 3. All paved areas shall be separated from the lot line setbacks by a four (4) foot landscaped area of indigenous materials.
- k) Sidewalks.
 - 1. Sidewalks shall be provided from the street line, when applicable, and from the parking areas to building(s).
- l) Screening.
 - 1. Screening of the site shall be by a four (4) foot landscaped strip at the rear and side lot lines.
 - 2. Additional landscaping and screening may be required during the Development Plan Review or by the Special Permitting Authority.
- m) Landscaping.
 - 1. There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous materials along the façades of the building(s) and between the building(s) if there is more than one principal building on site.
 - 2. Such landscape shall be a type and height that does not interfere with sight lines of drivers.
 - 3. Natural features shall be retained to the extent possible.
 - 4. A landscape plan shall be provided and reviewed under the Development Plan Review.
- n) Street Furniture.
 - 1. Light fixtures shall be designed to be of number and height that grants plentiful lighting. Such lighting shall shine downwards as to not affect adjacent properties.
 - 2. Lighting must also be placed on the side and rear of the building.
 - 3. Outdoor tables, benches, and bicycle racks shall be of a style consistent with the principal use(s) of the site
 - 4. Trash receptacles shall be reviewed under the Development Plan Review.

As a result of the Workshop held this date, prior to the Hearing, the Board will recommend the following changes on STM floor to the above Article:

- 4.6.5.2. e) change to read, "Façade, roof colors and signs shall be reviewed for consistency with other uses in the District and reviewed under the Development Plan Review (DPR)".
- j)1. change to read, "Parking shall be in the rear or side of building(s) and shall not be visible from the street line when possible. Parking will be reviewed under the Development Plan Review".

Mr. Bakaysa asked for comments from the public.

David Rodgers, 82 Highland Street- He questioned the use of the words “must” and “shall”. Mr. Bakaysa noted that use of these words does not make the Board inflexible, but sets the framework for going forward. Mr. Rodgers inquired if the existing businesses on Summer Street would be grandfathered in regards to j) Parking and Loading Area. Yes. He also inquired as to 4.6.5.2.a) Occupied Lot Area. He felt that limiting to no more than 40% would make the building very minimal. Engineer Steve Marsden was in the audience and Mr. Bakaysa asked him to speak to 4.6.5.2.a). Mr. Marsden noted the existing bylaw only limits the building footprint. As a result of Board discussion, 4.6.5.2.a) Occupied Lot Area would be recommended for elimination on STM floor.

This concluded discussion on the Design Standards Bylaw.

Mr. Bakaysa read the following Article into record.

Article _____

Summer Street Revitalization Overlay District

PURPOSE

The Summer Street Revitalization Overlay District has been established to encourage development that in itself is compatible and aligns with the character of the Town, created through amenities, a sense of community that is an appealing place to live and work ensuring the vision of Lunenburg as a New England Town. Further, by providing clear and precise guidelines as to the building and lot design that will revitalize the area and when possible, using sustainable building materials and design features that include indoor/outdoor conservation methods.

LOCATION

In Lunenburg from the Fitchburg line to the Leominster line including all of the Industrial District along Summer Street in Lunenburg and all of the Commercial District along Summer Street and Youngs Road in Lunenburg.

OBJECTIVES

- a. Allowing a mix of uses in close proximity in the district within the development including residential, retail, office, and light industrial;
- b. Preserving and restoring a village style character to the designated overlay area;
- c. Promoting a balance of land uses;
- d. Promoting the opportunity for people to work, meet , shop, and utilize services in the vicinity of their residences;
- e. Providing opportunities for the development of variety of housing opportunities;
- f. Providing opportunities for a mixture of uses in the same building;
- g. Promoting a positive pedestrian environment in the district;
- h. Facilitating integrated physical design;
- i. Promoting a consistent level of design quality;
- j. Encouraging the development of flexible space for small and emerging businesses;
- k. Facilitating development proposals responsive to current and future market conditions;
- l. Encouraging the development of open spaces and parks within the district to accommodate workers, residents, pedestrians, and shoppers.

PERMIT GRANTING AUTHORITY

The Zoning Board of Appeals (ZBA) is hereby the permit granting authority pertaining to the Commercial District and where applicable projects proposed within the Overlay District shall be reviewed under Section 8.4., Development Plan Review. The Planning Board is hereby the permit granting authority pertaining to the Industrial District where applicable projects proposed within the Overlay District shall be reviewed under Section 8.4., Development Plan Review.

PERMITTED USES

The following uses are permitted within the Summer Street Revitalization Overlay District.

- (a) Any use permitted by right or special permit in the underlying zone.
- (b) Mixed Use Development is a development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, or entertainment. Residential uses shall be allowed as part of a mixed use project.

DIMENSIONAL STANDARDS

These standards herein are hereby established as such to achieve a village style design for the Summer Street Revitalization Overlay District.

- (a) Occupied Lot Area:
 - 1. The gross floor area of all buildings and structures on a lot shall not occupy more than forty (40%) percent of the total lot area.
 - 1. The total area on any lot devoted to building, parking, outdoor storage, and display and other hard surface areas may occupy up to eighty-five (85%) percent of the total lot area.

- (b) Maximum Height: No more than 55 feet measured from ground level.

- (c) Setbacks:

Front	20 feet
Side	15 feet
Rear	20 feet

A landscape plan shall be required for screening and buffering purposes for setback areas.

- (d) Minimum Lot Size: Twenty Thousand (20,000) square feet
- (e) Minimum Frontage: Fifty (50) feet
- (f) Minimum Open Space: All projects within the Summer Street Revitalization Overlay District shall have at least ten (10%) percent of the total site area devoted to Open Space; required setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking or loading purposes and shall be open and unobstructed to the sky. Items such as benches, walkways, planters, landscaping, kiosks, gazebos and similar structures shall not be considered obstructions.
- (g) Mixed Use Developments: that propose to have retail and residential uses within the same building on lots that meet the minimum dimensional requirements established herein, shall be allowed only in a two story building permitted by the Special Permitting Authority.
- (h) Bonus Density: A Mix Use Development within Summer Street Revitalization Overlay District which provides at least ten (10%) percent of its residential units be made affordable to low to moderate income persons in perpetuity as defined by the Executive Office of Housing and Economic Development (EOHED).

ADDITIONAL STANDARDS

As well as the standards required under Section 8.4 Development Plan Review, these additional standards are established for the Summer Street Revitalization Overlay District.

a) Building – Location & Facade

1. The Building front shall face the street on which the lot obtains its frontage.
2. If there is more than one building on the site, the siting shall be approved by the Special Permitting Granting Authority pursuant to the procedures outlined in Section 8.4., and there shall be sidewalk connections between buildings.
3. Flat roofs that are visible from the street level are prohibited unless an appropriate façade is included in the design.
4. Roof colors shall be appropriate to the area and consistent through the site except signs approved under the Development Plan Review.
5. The principal building(s) shall be connected to public water and sewer where readily available and accessible.
6. Lighting, signage, and architectural style unless an alternate design is determined under the Development Plan Review.

b) Parking, Loading, and Interior Streets

1. Parking lots shall be located at the rear of or the side of buildings wherever feasible or practical.
2. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate.
3. Turning radius of emergency response vehicles shall be considered within the design of the project.
4. All loading docks shall be at the rear of building(s) and not be visible from the street.
5. All paved areas shall be separated from the lot line setback by a four (4) foot landscaped area of indigenous materials.

c) Landscaping and Screening

1. There shall be a minimum of a four (4) foot landscaped area along the street frontage and along the front and side of the principal building(s) and plantings of indigenous material along the façade of the building(s) and between the building(s) if there is more than one building on site.
2. Such landscaping does not interfere with sight lines of drivers.
3. Natural features shall be retained wherever feasible.
4. Screening of the site shall be by a four (4) foot landscaped strip at the rear and side lot lines.
5. Additional landscaping and screening may be required where it is deemed such appropriate measures are in order.

d) Streetscape

1. Light fixtures shall be designed to appropriately blend within the District and be of number and height that grants plentiful lighting. Such lighting shall shine downward as to not affect adjacent properties.
2. Lighting must also be placed on the side and rear of the building.
3. Outdoor tables, benches, and bicycle racks shall be of size and be consistent with the principal use(s) of the site.
4. Trash receptacles must be of a size that provides proper usage.
5. Sidewalks shall be provided from the street line, when applicable and practical, and from the parking areas to building(s).

WAIVER

The Special Permitting Granting Authority may waive any of the standards within this Section provided that such waiver will not derogate from the village style design standard established herein.

COMMONLY HELD LOTS

Any lot that is commonly held in ownership with an adjacent lot in this district may be treated as a single lot in accordance with this Section, provided that the total area of such lots is at least 20,000 square feet in area, the lots have a combined contiguous frontage of at least fifty (50) feet, and vacant of structures, parking facilities, or accessory uses.

CONFLICT WITH OTHER LAWS

All development activities within the Summer Street Revitalization Overlay District shall comply with applicable laws, regulations, and standards of the Town, except that in the event of a conflict between this bylaw and any such laws and regulations, the provisions of this Bylaw shall control, provided that they are consistent with State and Federal Law.

SEVERABILITY

If any section or provision of this bylaw is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other section or provision of this Bylaw.

Mr. Bakaysa noted that one of the reasons for the above bylaw was for the need of ancillary developments to support Summer Street, e.g., restaurants, dry cleaners. As a result of previous discussion regarding amending 4.6.5.2.a) Occupied Lot Area on STM floor, DIMENSIONAL STANDARDS, (a) Occupied Lot Area will also be recommended for elimination.

Mr. Bakaysa asked for comments from the audience.

Lauren Smith, 47 Graham Street- would revitalization take into account the sight lines for vehicles exiting Graham onto Summer Street? Mr. Bakaysa noted presentation to Board of Selectmen on November 15th by Vanasse Hangen Brustlin Inc. and suggested that Ms. Smith contact the Selectmen's office. One of the alternatives presented by VHB showed a different entrance and exit from Graham Street.

David Rodgers, 82 Highland Street- under WAIVER, requested the Board consider inserting the word "substantially" before "derogate". Board concurred.

Linda Morin, 151 Youngs Road- requested clarification if Design Standards covered all Commercial Districts within the Town or only Summer Street. All Commercial within Town. She also inquired on the Summer Street District, under COMMONLY HELD LOTS if this would also apply to a single lot of at least two acres; could it be divided into two commercial lots? Yes.

As a result of Workshop this date, held prior to Hearing, the following changes will also be recommended on STM floor.

- DIMENSIONAL STANDARDS, (h) delete "Bonus".
- ADDITIONAL STANDARDS, 6. Change to read, "Lighting, signage, and architectural style shall be consistent with other uses in the District and reviewed under the Development Plan Review (DPR).

Motion made, Ms. Bilotta-Simeone to close Public Hearing, Second, Mr. Lockwood, Motion passed. All aye. Hearing closed 7:30 PM.

Copies of proposed Zoning Bylaws changes were provided at Hearing.

Audio and video recording on file in the Planning Office.